

AMENDED IN ASSEMBLY SEPTEMBER 4, 2015

AMENDED IN ASSEMBLY AUGUST 28, 2015

AMENDED IN ASSEMBLY JULY 7, 2015

AMENDED IN ASSEMBLY JUNE 24, 2015

AMENDED IN SENATE MAY 6, 2015

AMENDED IN SENATE APRIL 14, 2015

## **SENATE BILL**

**No. 48**

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### **Introduced by Senator Hill**

December 18, 2014

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An act to amend Sections ~~305, 306, 307, 308~~, 311.5, 321.6, 765, 960, 1701, and 1759 of, to amend and renumber Sections 911 and 915 of, to amend, renumber, and add Section 910 of, and to add Sections 910.1, 911.1, 916.4, and 1711 to, the Public Utilities Code, relating to the Public Utilities Commission.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 48, as amended, Hill. Public Utilities Commission.

(1) The California Constitution establishes the Public Utilities Commission, with jurisdiction over all public utilities. ~~The California Constitution grants the commission certain general powers over all public utilities, subject to control by the Legislature, and authorizes the Legislature, unlimited by the other provisions of the Constitution, to confer additional authority and jurisdiction upon the commission that is cognate and germane to the regulation of public utilities. Existing law requires the Governor to designate the president of the commission from among its members and requires the president to direct the~~

~~executive director, the attorney, and other staff of the commission, except for the Office of Ratepayer Advocates. Existing law authorizes the executive director and the attorney to undertake certain actions if directed or authorized by the president, except as otherwise directed or authorized by vote of the commission. The Public Utilities Act provides that the office of the commission be in the City and County of San Francisco, that the office always be open, legal holidays and nonjudicial days excepted, that the commission hold its sessions at least once in each calendar month in the City and County of San Francisco, and authorizes the commission to also meet at those other times and places as may be expedient and necessary for the proper performance of its duties.~~

~~This bill would repeal the requirement that the president direct the executive director, the attorney, and other commission staff. The bill would delete the authority of the president to direct or authorize the executive director and attorney to undertake certain actions, thereby requiring that they be directed or authorized to undertake those actions by the commission.~~

~~(2) The Public Utilities Act provides that the office of the commission be in the City and County of San Francisco, that the office always be open, legal holidays and nonjudicial days excepted, that the commission hold its sessions at least once in each calendar month in the City and County of San Francisco, and authorizes the commission to also meet at those other times and places as may be expedient and necessary for the proper performance of its duties.~~

This bill would require that the commission hold its sessions at least once in each calendar month in the City and County of San Francisco or the City of Sacramento and would require that the commission hold no less than 6 sessions each year in the City of Sacramento.

~~(3)~~

(2) The California Constitution authorizes the commission to establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process. Existing law requires the commission to determine whether a proceeding requires a hearing and, if so, to determine whether the matter requires a quasi-legislative, an adjudication, or a ratesetting hearing. For these purposes, quasi-legislative cases are cases that establish policy rulemakings and investigations which may establish rules affecting an entire industry, adjudication cases are enforcement cases and complaints except those challenging the reasonableness of any rates or charges, and ratesetting

cases are cases in which rates are established for a specific company, including general rate cases, performance-based ratemaking, and other ratesetting mechanisms. Existing law requires the commission to publish and maintain certain documents on the Internet, including a docket card that lists all documents filed and all decisions or rulings issued in those proceedings, as provided.

This bill would make the Administrative Adjudication Code of Ethics applicable to administrative law judges of the commission. Except for in adjudication cases, the bill would require the commission, before instituting a proceeding on its own motion, where feasible and appropriate, to seek the views of those who are likely to be affected by a decision in the proceeding, including those who are likely to benefit from, and those who are potentially subject to, a decision in that proceeding. ~~This~~ The bill would require the commission to include a docket card that lists the public versions of all prepared written testimony and advice letter filings, protests, and ~~responses~~. *responses on its Internet Web site.* The bill would require the commission to make additional information available on the Internet, including information on how members of the public and ratepayers can gain access to the commission's ratemaking process.

(4)

(3) The Public Utilities Act requires the commission to develop, publish, and annually update an annual workplan that does all of the following: (A) describes in clear detail the scheduled ratemaking proceedings and other decisions that may be considered by the commission during the calendar year, (B) ~~include~~ *includes* information on how members of the public and ratepayers can gain access to the commission's ratemaking process and information regarding the specific matters to be decided, (C) ~~include~~ *includes* information on the operation of the office of the public adviser and ~~identify~~ *identifies* the names and telephone numbers of those contact persons responsible for specific cases and matters to be decided, and (D) ~~include~~ *includes* a statement that specifies activities that the commission proposes to reduce the costs of, and rates for, energy, including electricity, and for improving the competitive opportunities for state agriculture and other rural energy consumers. The act requires the commission to submit the workplan to the Governor and Legislature by February 1 of each year.

This bill would require the commission to develop, publish, and annually update a report that contains certain specified information, as provided, and would expand the requirement that the workplan, as part

of that report, describe in clear detail the scheduled proceedings that may be considered by the commission during the calendar year to include all proceedings and not just ratemaking proceedings. The bill would additionally require that the report include performance criteria for the commission and executive director and evaluate the performance of the executive director during the previous year based on the criteria established in the prior year's workplan.

The bill would require the president of the commission to present the annual report to the appropriate policy committees of the Senate and Assembly, and the commission to post the report in a conspicuous area of its Internet Web site and disseminate the information in the report, as provided. The bill would recast the report requirements and certain other requirements that the commission report information to an article in the Public Utilities Act pertaining to reports by the commission to the Legislature and make other conforming changes.

~~(5)~~

(4) The Public Utilities Act requires the commission to create, and annually submit to the Governor and Legislature by February 1, a report on the number of cases where resolution exceeded the time periods prescribed in scoping memos and the days that commissioners presided in hearings.

This bill would delete the requirement that the report include the number of cases where resolution exceeded the time periods prescribed in scoping memos and instead would require the commission to annually submit a report to the Legislature on the commission's timeliness in resolving cases and include information on the disposition of applications for rehearings. The bill would require that the report include the number of scoping memos issued in each proceeding and to include the number of orders issued extending the statutory deadlines for all adjudication, ratesetting, and quasi-legislative cases.

~~(6)~~

(5) The California Constitution provides that the Legislature has plenary power to establish the manner and scope of review of commission action in a court of record. Existing law provides that only the Supreme Court and the court of appeal have jurisdiction to review, reverse, correct, or annul any order or decision of the commission or to suspend or delay the execution or operation thereof, or to enjoin, restrain, or interfere with the commission in the performance of its official duties.

This bill would authorize an action to enforce the requirements of the Bagley-Keene Open Meeting Act or the California Public Records Act to be brought against the commission in the superior court.

(6) *This bill would incorporate additional changes in Section 311.5 of the Public Utilities Code, proposed by AB 825, to be operative only if AB 825 and this bill are both chaptered and become effective on or before January 1, 2016, and this bill is chaptered last.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:  
3 (1) On June 3, 2014, California’s Fourth District Court of  
4 Appeal, in *Disenhouse v. Peevey* (2014) 226 Cal.App.4th 1096,  
5 held that an interested person desiring to enforce the Bagley-Keene  
6 Open Meeting Act (Article 9 (commencing with Section 11120)  
7 of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government  
8 Code) against the Public Utilities Commission must do so by filing  
9 a petition for writ of mandamus in the Supreme Court or the court  
10 of appeal and may not do so by filing an action for injunctive relief  
11 in the superior court.  
12 (2) The intent of the Bagley-Keene Open Meeting Act is that  
13 actions of state agencies be taken openly and that their deliberation  
14 be conducted openly.  
15 (3) The people’s right to remain informed so that they may  
16 retain control over the instruments of government that they have  
17 created is not less of a right for some agencies than for other  
18 agencies, nor shall the people’s ability to enforce the Bagley-Keene  
19 Open Meeting Act be more hampered for some agencies than for  
20 other agencies.  
21 (4) The duties, responsibilities, and actions of the Public Utilities  
22 Commission affect the well-being of current and future generations  
23 and the public interest and principles of fundamental fairness and  
24 due process of law require that the commission conduct its affairs  
25 in an open, objective, and impartial manner, free of undue influence  
26 and the abuse of power and authority.

(b) It is the intent of the Legislature that the Public Utilities Commission should be subject to the judicial review provisions of the Bagley-Keene Open Meeting Act.

~~SEC. 2. Section 305 of the Public Utilities Code is amended to read:~~

~~305. The Governor shall designate a president of the commission from among the members of the commission. The president shall preside at all meetings and sessions of the commission.~~

~~SEC. 3.~~

SEC. 2. Section 306 of the Public Utilities Code is amended to read:

306. (a) The office of the commission shall be in the City and County of San Francisco. The office shall always be open, legal holidays and nonjudicial days excepted. The commission shall hold its sessions at least once in each calendar month in the City and County of San Francisco or the City of Sacramento. The commission may also meet at such other times and in such other places as may be expedient and necessary for the proper performance of its duties, and for that purpose may rent quarters or offices. The commission shall hold no less than six sessions each year in the City of Sacramento.

(b) The meetings of the commission shall be open and public in accordance with the provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code.

In addition to the requirements of Section 11125 of the Government Code, the commission shall include in its notice of meetings the agenda of business to be transacted, and no item of business shall be added to the agenda subsequent to the notice in the absence of an unforeseen emergency situation. A rate increase shall not constitute an unforeseen emergency situation. As used in this subdivision, “meeting” shall include all investigations, proceedings, and showings required by law to be open and public.

(c) The commission shall have a seal, bearing the inscription “Public Utilities Commission State of California.” The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct.

1 (d) The commission may procure all necessary books, maps,  
2 charts, stationery, instruments, office furniture, apparatus, and  
3 appliances.

4 SEC. 4. ~~Section 307 of the Public Utilities Code is amended~~  
5 ~~to read:~~

6 ~~307. (a) The commission may appoint as attorney to the~~  
7 ~~commission an attorney at law of this state, who shall hold office~~  
8 ~~during the pleasure of the commission.~~

9 ~~(b) The attorney shall represent and appear for the people of the~~  
10 ~~State of California and the commission in all actions and~~  
11 ~~proceedings involving any question under this part or under any~~  
12 ~~order or act of the commission. If directed to do so by the~~  
13 ~~commission, the attorney shall intervene, if possible, in any action~~  
14 ~~or proceeding in which any such question is involved.~~

15 ~~(c) The attorney shall commence, prosecute, and expedite the~~  
16 ~~final determination of all actions and proceedings directed or~~  
17 ~~authorized by the commission, advise the commission and each~~  
18 ~~commissioner, when so requested, in regard to all matters in~~  
19 ~~connection with the powers and duties of the commission and the~~  
20 ~~members thereof, and generally perform all duties and services as~~  
21 ~~attorney to the commission that the commission may require of~~  
22 ~~him or her.~~

23 SEC. 5. ~~Section 308 of the Public Utilities Code is amended~~  
24 ~~to read:~~

25 ~~308. (a) The commission shall appoint an executive director,~~  
26 ~~who shall hold office during its pleasure. The executive director~~  
27 ~~shall be responsible for the commission's executive and~~  
28 ~~administrative duties and shall organize, coordinate, supervise,~~  
29 ~~and direct the operations and affairs of the commission and~~  
30 ~~expedite all matters within the commission's jurisdiction.~~

31 ~~(b) The executive director shall keep a full and true record of~~  
32 ~~all proceedings of the commission, issue all necessary process,~~  
33 ~~writs, warrants, and notices, and perform any other duties the~~  
34 ~~commission prescribes. The commission may authorize the~~  
35 ~~executive director to dismiss complaints or applications when all~~  
36 ~~parties are in agreement thereto, in accordance with rules that the~~  
37 ~~commission may prescribe.~~

38 ~~(c) The commission may appoint assistant executive directors~~  
39 ~~who may serve warrants and other process in any county or city~~  
40 ~~and county of this state.~~

1     ~~SEC. 6.~~

2     *SEC. 3.* Section 311.5 of the Public Utilities Code is amended  
3 to read:

4     311.5. (a) (1) Prior to commencement of any meeting at which  
5 commissioners vote on items on the public agenda, the commission  
6 shall make available to the public copies of the agenda, and upon  
7 request, any agenda item documents that are proposed to be  
8 considered by the commission for action or decision at a  
9 commission meeting.

10    (2) In addition, the commission shall publish the agenda, agenda  
11 item documents, and adopted decisions in a manner that makes  
12 copies of them easily available to the public, including publishing  
13 those documents on the Internet. Publication of the agenda and  
14 agenda item documents shall occur on the Internet at the same  
15 time as the written agenda and agenda item documents are made  
16 available to the public.

17    (b) The commission shall publish and maintain the following  
18 documents on the Internet:

19    (1) Each of the commission's proposed and alternate proposed  
20 decisions and resolutions, until the decision or resolution is adopted  
21 and published.

22    (2) Each of the commission's adopted decisions and resolutions.  
23 The publication shall occur within 10 days of the adoption of each  
24 decision or resolution by the commission.

25    (3) The then-current version of the commission's general orders  
26 and Rules of Practice and Procedure.

27    (4) Each of the commission's rulings. The commission shall  
28 maintain those rulings on its Internet Web site until final  
29 disposition, including disposition of any judicial appeals, of the  
30 respective proceedings in which the rulings were issued.

31    (5) A docket card that lists, by title and date of filing or issuance,  
32 all documents filed and all decisions or rulings issued in those  
33 proceedings, including the public versions of all prepared written  
34 testimony and advice letter filings, protests, and responses. The  
35 commission shall maintain the docket card until final disposition,  
36 including disposition of any judicial appeals, of the corresponding  
37 proceedings.

38    (c) The commission shall make the following information  
39 available on the Internet:



1 (1) Information on how members of the public and ratepayers  
2 can gain access to the commission's ratemaking process and to  
3 information regarding the specific matters to be decided.

4 (2) Information on the operation of the office of the public  
5 advisor established in Section 321 and how the public advisor can  
6 connect members of the public to persons responsible for specific  
7 cases and matters to be decided.

8 *SEC. 3.5. Section 311.5 of the Public Utilities Code is amended*  
9 *to read:*

10 311.5. (a) (1) Prior to commencement of any meeting at which  
11 commissioners vote on items on the public ~~agenda~~ *agenda*, the  
12 commission shall make available to the public copies of the agenda,  
13 and upon request, any agenda item documents that are proposed  
14 to be considered by the commission for action or decision at a  
15 commission meeting.

16 (2) In addition, the commission shall publish the agenda, agenda  
17 item documents, and adopted decisions in a manner that makes  
18 copies of them easily available to the public, including publishing  
19 those documents on the Internet. Publication of the agenda and  
20 agenda item documents shall occur on the Internet at the same  
21 time as the written agenda and agenda item documents are made  
22 available to the public.

23 (b) The commission shall publish and maintain the following  
24 documents on the Internet:

25 (1) Each of the commission's proposed and alternate proposed  
26 decisions and resolutions, until the decision or resolution is adopted  
27 and published.

28 (2) Each of the commission's adopted decisions and resolutions.  
29 The publication shall occur within 10 days of the adoption of each  
30 decision or resolution by the commission.

31 (3) The then-current version of the commission's general orders  
32 and Rules of Practice and Procedure.

33 (4) Each of the commission's rulings. The commission shall  
34 maintain those rulings on its Internet Web site until final  
35 disposition, including disposition of any judicial appeals, of the  
36 respective proceedings in which the rulings were issued.

37 (5) A docket card that lists, by title and date of filing or issuance,  
38 all documents filed and all decisions or rulings issued in those  
39 ~~proceedings~~ *proceedings, including the public versions of all*  
40 *prepared written testimony and advice letter filings, protests, and*

1 *responses. The commission shall maintain the docket card until*  
2 *final disposition, including disposition of any judicial appeals, of*  
3 *the corresponding proceedings. Each document that the commission*  
4 *distributes to any service-of-process list shall be docketed and*  
5 *identified on the commission's Internet Web site.*

6 *(c) The commission shall make the following information*  
7 *available on the Internet:*

8 *(1) Information on how members of the public and ratepayers*  
9 *can gain access to the commission's ratemaking process and to*  
10 *information regarding the specific matters to be decided.*

11 *(2) Information on the operation of the office of the public*  
12 *advisor established in Section 321 and how the public advisor can*  
13 *connect members of the public to persons responsible for specific*  
14 *cases and matters to be decided.*

15 ~~SEC. 7.~~

16 *SEC. 4.* Section 321.6 of the Public Utilities Code is amended  
17 to read:

18 321.6. The president of the commission shall annually appear  
19 before the appropriate policy committees of the Senate and  
20 Assembly to present the annual report of the commission required  
21 pursuant to Section 910.

22 ~~SEC. 8.~~

23 *SEC. 5.* Section 765 of the Public Utilities Code is amended  
24 to read:

25 765. (a) When the federal National Transportation Safety  
26 Board (NTSB) submits a safety recommendation letter concerning  
27 rail safety to the commission, the commission shall provide the  
28 NTSB with a formal written response to each recommendation no  
29 later than 90 days after receiving the letter. The response shall  
30 state one of the following:

31 (1) The commission's intent to implement the recommendations  
32 in full, with a proposed timetable for implementation of the  
33 recommendations.

34 (2) The commission's intent to implement part of the  
35 recommendations, with a proposed timetable for implementation  
36 of those recommendations, and detailed reasons for the  
37 commission's refusal to implement those recommendations that  
38 the commission does not intend to implement.

1 (3) The commission's refusal to implement the  
2 recommendations, with detailed reasons for the commission's  
3 refusal to implement the recommendations.

4 (b) If the NTSB issues a safety recommendation letter  
5 concerning any commission-regulated rail facility to the United  
6 States Department of Transportation, the Federal Transit  
7 Administration, a commission-regulated rail operator, or the  
8 commission, or if the Federal Transit Administration issues a safety  
9 advisory concerning any commission-regulated rail facility, the  
10 commission shall determine if implementation of the  
11 recommendation or advisory is appropriate. The basis for the  
12 commission's determination shall be detailed in writing and shall  
13 be approved by a majority vote of the commission.

14 (c) If the commission determines that a safety recommendation  
15 made by the NTSB is appropriate, or that action concerning a  
16 safety advisory is necessary, the commission shall issue orders or  
17 adopt rules to implement the safety recommendation or advisory  
18 as soon as practicable. In implementing the safety recommendation  
19 or advisory, the commission shall consider whether a more  
20 effective, or equally effective and less costly, alternative exists to  
21 address the safety issue that the recommendation or advisory  
22 addresses.

23 ~~SEC. 9.~~

24 *SEC. 6.* Section 910 of the Public Utilities Code is amended  
25 and renumbered to read:

26 913.3. (a) By May 1 of each year, the commission shall prepare  
27 and submit to the policy and fiscal committees of the Legislature  
28 a written report summarizing the following information:

29 (1) All electrical corporation revenue requirement increases  
30 associated with meeting the renewables portfolio standard, as  
31 defined in Section 399.12, including direct procurement costs for  
32 eligible renewable energy resources and renewable energy credits,  
33 administrative expenses for procurement, expenses incurred to  
34 ensure a reliable supply of electricity, and expenses for upgrades  
35 to the electrical transmission and distribution grid necessary to the  
36 delivery of electricity from eligible renewable energy resources  
37 to load.

38 (2) All cost savings experienced, or costs avoided, by electrical  
39 corporations as a result of meeting the renewables portfolio  
40 standard.

1 (3) All costs incurred by electrical corporations for incentives  
2 for distributed and renewable generation, including the  
3 self-generation incentive program, the California Solar Initiative,  
4 and net energy metering.

5 (4) All cost savings experienced, or costs avoided, by electrical  
6 corporations as a result of incentives for distributed and renewable  
7 generation.

8 (5) All pending requests by an electrical corporation seeking  
9 recovery in rates for renewable, fossil fuel, and nuclear  
10 procurement costs, research, study, or pilot program costs.

11 (6) The decision number for each decision of the commission  
12 authorizing recovery in rates of costs incurred by an electrical  
13 corporation since the preceding report.

14 (7) Any change in the electrical load serviced by an electrical  
15 corporation since the preceding report.

16 (8) The efforts each electrical corporation is taking to recruit  
17 and train employees to ensure an adequately trained and available  
18 workforce, including the number of new employees hired by the  
19 electrical corporation for purposes of implementing the  
20 requirements of Article 16 (commencing with Section 399.11) of  
21 Chapter 2.3, the goals adopted by the electrical corporation for  
22 increasing women, minority, and disabled veterans trained or hired  
23 for purposes of implementing the requirements of Article 16  
24 (commencing with Section 399.11) of Chapter 2.3, and, to the  
25 extent information is available, the number of new employees  
26 hired and the number of women, minority, and disabled veterans  
27 trained or hired by persons or corporations owning or operating  
28 eligible renewable energy resources under contract with an  
29 electrical corporation. This paragraph does not provide the  
30 commission with authority to engage in, regulate, or expand its  
31 authority to include, workforce recruitment or training.

32 (b) The commission may combine the information required by  
33 this section with the reports prepared pursuant to Article 16  
34 (commencing with Section 399.11) of Chapter 2.3.

35 ~~SEC. 10.~~

36 *SEC. 7.* Section 910 is added to the Public Utilities Code, to  
37 read:

38 910. (a) The commission shall develop, publish, and annually  
39 update a report that contains all of the following information:

1 (1) A workplan that describes in clear detail the scheduled  
2 proceedings and other decisions that may be considered by the  
3 commission during the calendar year.

4 (2) Performance criteria for the commission and the executive  
5 director, and an evaluation of the performance of the executive  
6 director during the previous year based on criteria established in  
7 the prior year's workplan.

8 (3) An accounting of the commission's transactions and  
9 proceedings from the prior year, together with other facts,  
10 suggestions, and recommendations that the commission deems of  
11 value to the people of the state. The accounting shall include the  
12 activities that the commission has taken, and plans to take, to  
13 reduce the costs of, and the rates for, water and energy, including  
14 electricity, to improve the competitiveness of the state's industries,  
15 including agriculture, and, to the extent possible, shall include  
16 suggestions and recommendations for the reduction of those costs  
17 and rates.

18 (4) A description of activities taken and processes instituted to  
19 both solicit the input of customers from diverse regions of the state  
20 in ratesetting and quasi-legislative proceedings and to process that  
21 input in a way that makes it usable in commission decisionmaking.  
22 The report shall describe the successes and challenges of these  
23 processes, the effect of resource constraints, and efforts to be made  
24 during the calendar year to further the goal of increased public  
25 participation.

26 (b) (1) The commission shall submit the report required  
27 pursuant to subdivision (a) to the Governor and the Legislature,  
28 in compliance with Section 9795 of the Government Code, no later  
29 than February 1 of each year.

30 (2) The commission shall post the report in a conspicuous area  
31 of its Internet Web site and shall have a program to disseminate  
32 the information in the report using computer mailing lists to provide  
33 regular updates on the information to those members of the public  
34 and organizations that request that information.

35 ~~SEC. 11.~~

36 *SEC. 8.* Section 910.1 is added to the Public Utilities Code, to  
37 read:

38 910.1. The commission shall annually submit a report to the  
39 Legislature on the commission's timeliness in resolving cases,  
40 information on the disposition of applications for rehearings, and

1 the days that commissioners presided in hearings. The report shall  
2 include the number of scoping memos issued in each proceeding  
3 and the number of orders issued extending the statutory deadlines  
4 pursuant to subdivision (d) of Section 1701.2, for all adjudication  
5 cases, and pursuant to subdivision (a) of Section 1701.5, for all  
6 ratesetting or quasi-legislative cases.

7 ~~SEC. 12.~~

8 *SEC. 9.* Section 911 of the Public Utilities Code is amended  
9 and renumbered to read:

10 913.4. (a) Notwithstanding subdivision (g) of Section 454.5  
11 and Section 583, no later than May 1 of each year, the commission  
12 shall release to the Legislature the costs of all electricity  
13 procurement contracts for eligible renewable energy resources,  
14 including unbundled renewable energy credits, and all costs for  
15 utility-owned generation approved by the commission. The first  
16 report shall include all costs commencing January 1, 2003.  
17 Subsequent reports shall include only costs for the preceding  
18 calendar year.

19 (1) For power purchase contracts, the commission shall release  
20 costs in an aggregated form categorized according to the year the  
21 procurement transaction was approved by the commission, the  
22 eligible renewable energy resource type, including bundled  
23 renewable energy credits, the average executed contract price, and  
24 average actual recorded costs for each kilowatthour of production.  
25 Within each renewable energy resource type, the commission shall  
26 provide aggregated costs for different project size thresholds.

27 (2) For each utility-owned renewable generation project, the  
28 commission shall release the costs forecast by the electrical  
29 corporation at the time of initial approval and the actual recorded  
30 costs for each kilowatthour of production during the preceding  
31 calendar year.

32 (b) This section does not require the release of the terms of any  
33 individual electricity procurement contracts for eligible renewable  
34 energy resources, including unbundled renewable energy credits,  
35 approved by the commission. The commission shall aggregate  
36 data to the extent required to ensure protection of the confidentiality  
37 of individual contract costs even if this aggregation requires  
38 grouping contracts of different energy resource type. The  
39 commission shall not be required to release the data in any year  
40 when there are fewer than three contracts approved.

(c) The commission may combine the information required by this section with the report prepared pursuant to Section 913.3.

*SEC. 10. Section 911.1 is added to the Public Utilities Code, to read:*

*911.1. An action taken by the commission on a safety recommendation letter or advisory bulletin concerning gas pipeline safety issued by the federal National Transportation Safety Board (NTSB) shall be reported annually, in detail, to the Legislature with the report required by Section 910. Correspondence from the NTSB that indicates that a recommendation of the NTSB has been closed following an action that the NTSB finds unacceptable shall be noted in the report required by Section 910.*

~~SEC. 13.~~

*SEC. 11. Section 915 of the Public Utilities Code is amended and renumbered to read:*

911. (a) Beginning February 1, 2016, the commission shall annually publish a report that includes all investigations into gas or electric service safety incidents reported, pursuant to commission requirements, by any gas corporation or electrical corporation. The report shall succinctly describe each safety investigation concluded during the prior calendar year and each investigation that remains open. The categories within the description shall include the month of the safety incident, the reason for the investigation, the facility type involved, and the owner of the facility.

(b) The commission shall include in its report required pursuant to Section 910, a summary of the staff safety investigations concluded during the prior calendar year and the staff safety investigations that remain open for any gas corporation or electrical corporation, with a link to the Internet Web site with the report that contains the information required pursuant to subdivision (a).

~~SEC. 14. Section 911.1 is added to the Public Utilities Code, to read:~~

~~911.1. An action taken by the commission on a safety recommendation letter or advisory bulletin concerning gas pipeline safety issued by the federal National Transportation Safety Board (NTSB) shall be reported annually, in detail, to the Legislature with the report required by Section 910. Correspondence from the NTSB that indicates that a recommendation of the NTSB has been closed following an action that the NTSB finds unacceptable shall be noted in the report required by Section 910.~~

1     ~~SEC. 15.~~

2     *SEC. 12.* Section 916.4 is added to the Public Utilities Code,  
3 to read:

4     916.4. An action taken by the commission on a safety  
5 recommendation letter or safety advisory pursuant to Section 765  
6 shall be reported annually, in detail, to the Legislature with the  
7 report required by Section 910. Correspondence from the federal  
8 National Transportation Safety Board indicating that a  
9 recommendation has been closed following an action that the  
10 federal National Transportation Safety Board finds unacceptable  
11 shall be noted in the report required by Section 910.

12     ~~SEC. 16.~~

13     *SEC. 13.* Section 960 of the Public Utilities Code is amended  
14 to read:

15     960. (a) When the federal National Transportation Safety  
16 Board (NTSB) submits a safety recommendation letter concerning  
17 gas pipeline safety to the commission, the commission shall provide  
18 the NTSB with a formal written response to each recommendation  
19 not later than 90 days after receiving the letter. The response shall  
20 state one of the following:

21     (1) The commission's intent to implement the recommendations  
22 in full, with a proposed timetable for implementation of the  
23 recommendations.

24     (2) The commission's intent to implement part of the  
25 recommendations, with a proposed timetable for implementation  
26 of those recommendations, and detailed reasons for the  
27 commission's refusal to implement those recommendations that  
28 the commission does not intend to implement.

29     (3) The commission's refusal to implement the  
30 recommendations, with detailed reasons for the commission's  
31 refusal to implement the recommendations.

32     (b) If the NTSB issues a safety recommendation letter  
33 concerning any commission-regulated gas pipeline facility to the  
34 United States Department of Transportation, the federal Pipeline  
35 and Hazardous Materials Safety Administration (PHMSA), a gas  
36 corporation, or the commission, or the PHMSA issues an advisory  
37 bulletin concerning any commission-regulated gas pipeline facility,  
38 the commission shall determine if implementation of the  
39 recommendation or advisory is appropriate. The basis for the



1 commission's determination shall be detailed in writing and shall  
2 be approved by a majority vote of the commission.

3 (c) If the commission determines that a safety recommendation  
4 made by the NTSB is appropriate or that action concerning an  
5 advisory bulletin is necessary, the commission shall issue orders  
6 or adopt rules to implement the safety recommendation or advisory  
7 as soon as practicable. In implementing the safety recommendation  
8 or advisory, the commission shall consider whether a more  
9 effective, or equally effective and less costly, alternative exists to  
10 address the safety issue that the recommendation or advisory  
11 addresses.

12 ~~SEC. 17.~~

13 *SEC. 14* Section 1701 of the Public Utilities Code is amended  
14 to read:

15 1701. (a) All hearings, investigations, and proceedings shall  
16 be governed by this part and by rules of practice and procedure  
17 adopted by the commission, and in the conduct thereof the technical  
18 rules of evidence need not be applied. No informality in any  
19 hearing, investigation, or proceeding or in the manner of taking  
20 testimony shall invalidate any order, decision or rule made,  
21 approved, or confirmed by the commission.

22 (b) Notwithstanding Section 11425.10 of the Government Code,  
23 Articles 1 through 15, inclusive, of Chapter 4.5 (commencing with  
24 Section 11400) of Part 1 of Division 3 of Title 2 of the Government  
25 Code do not apply to a hearing by the commission under this code.  
26 The Administrative Adjudication Code of Ethics (Article 16  
27 (commencing with Section 11475) of Chapter 4.5 of Part 1 of  
28 Division 3 of Title 2 of the Government Code) shall apply to  
29 administrative law judges of the commission.

30 ~~SEC. 18.~~

31 *SEC. 15.* Section 1711 is added to the Public Utilities Code,  
32 to read:

33 1711. Where feasible and appropriate, except for adjudication  
34 cases, before instituting a proceeding on its own motion, the  
35 commission shall seek the views of those who are likely to be  
36 affected, including those who are likely to benefit from, and those  
37 who are potentially subject to, a decision in that proceeding. The  
38 commission shall demonstrate its efforts to comply with this section  
39 in the text of the order instituting the proceeding.

1     ~~SEC. 19.~~

2     SEC. 16. Section 1759 of the Public Utilities Code is amended  
3 to read:

4     1759. (a) No court of this state, except the Supreme Court and  
5 the court of appeal, to the extent specified in this article, shall have  
6 jurisdiction to review, reverse, correct, or annul an order or decision  
7 of the commission or to suspend or delay the execution or operation  
8 thereof, or to enjoin, restrain, or interfere with the commission in  
9 the performance of its official duties, as provided by law and the  
10 rules of court.

11     (b) The writ of mandamus shall lie from the Supreme Court and  
12 from the court of appeal to the commission in all proper cases as  
13 prescribed in Section 1085 of the Code of Civil Procedure.

14     (c) This section does not apply to the following actions, which  
15 may be brought in superior court:

16     (1) An action brought against the commission to enforce the  
17 requirements of the Bagley-Keene Open Meeting Act (Article 9  
18 (commencing with Section 11120) of Chapter 1 of Part 1 of  
19 Division 3 of Title 2 of the Government Code).

20     (2) An action arising from the California Public Records Act  
21 (Chapter 3.5 (commencing with Section 6250) of Division 7 of  
22 Title 1 of the Government Code) or to review a determination  
23 made under subdivision (c) of Section 6253 of the Government  
24 Code.

25     SEC. 17. *Section 3.5 of this bill incorporates amendments to*  
26 *Section 311.5 of the Public Utilities Code proposed by both this*  
27 *bill and Assembly Bill 825. It shall only become operative if (1)*  
28 *both bills are enacted and become effective on or before January*  
29 *1, 2016, (2) each bill amends Section 311.5 of the Public Utilities*  
30 *Code, and (3) this bill is enacted after Assembly Bill 825, in which*  
31 *case Section 3 of this bill shall not become operative.*